

^A *K Great Britain, Lord, House*
LETTER

FROM A

89

Member of the House of Commons

TO A

Gentleman Without Doors,

Relating to the

BILL of PEERAGE

Lately brought into the

*bill read
14 March 1719*

HOUSE of LORDS.

Together with Two **SPEECHES** for and
against the **BILL**, supposed to be Spoke in
the House of Commons.

*— Si quid novisti rectius istis
Candidus imperti; si non his utere mecum.* Hor.

L O N D O N :

Printed, and Sold by J. Roberts, in Warwick-Lane;
M.DCC.XIX..

LETTER

FROM A

Member of the House of Commons

TO A

Gentleman Without Doors

Relating to the

BILL OF PEARAGE

As it is brought in

HOUSE OF LORDS

Together with the
the House of Commons
and to be spoke in
the Bill



Printed by J. G. Smith, at the
Printers, in the Strand.

LONDON:

Printed and sold by J. G. Smith, in the Strand.

A
LETTER

FROM A

Member of the House of Commons

TO A

Gentleman Without Doors, &c.

S I R,

March 16, 1718-19.

WHEN first the Project of the Bill which is now brought into the House of Lords was whispered about, there was scarce one Commoner of *Britain* who did not take the Alarm; for the Matter being entirely new and strange, an Alteration of the whole present Constitution staring one in the Face, wherein no Advantage to the Commons, if not a great Disadvantage seemingly appeared; it was no Wonder that every Commoner was astonished; most were displeased, and no Man was either sufficiently instructed in the Particulars of the Scheme, or bold enough to justify it; so that it made its Entry into the World with a general Dislike, each Man heartning up and encouraging his Friend or Neighbour in Sentiments averse to it.

From

From hence has happened (what is usual in like Cases) that most Persons having hastily and publicly vented their Opinions with some Warmth, and given such Reasons as their present Passion suggested (huddled and confused indeed, but being such as meeting with no Opposition, appeared unanswerable) were afterwards so tied down by their Declarations, or thought themselves so far bound in Honour to be so, that they durst not so much as give Ear to Arguments which cooler Deliberations might afford.

But to the Dishonour of retracting a generally received and plausible Opinion was added that very *obvious Calumny* (more especially in this critical Case) that the Ministry (who seemed to be most concerned in the Success of this Bill) had by Promises of Titles, Pensions or Gratifications to Members of the House of Commons, or their Relations, gained over to their Side such as retracted or even suspended their Opinions; and that *these* were the prevailing Arguments which enlightened so many, and induced them to change their Sentiments. Arguments which all honest Men could heartily wish were never made use of, as indeed I doubt they have formerly been with too great Success. And 'tis a great Scandal to our Nation, that Gentlemen of Fortunes would scarce vouchsafe to concur in an apparent good thing for their Country, without bargaining for a private Reward for doing it.

It must be left to your Candour, Sir, and that of others, who shall happen to read this, whether my present State of doubting ought to be attributed to any of the above Causes; the World would not believe me one jot the more for all the Affeverations I could make; but after I have exposed the Arguments I have heard, and what I have framed to my self, it will be the better able to judge whether all the Weight lies on the Side of Promises or not. In the mean time I will not be ashamed to confess

52
fess ingenuously, that I was one of those who at first received the imperfect Scheme of this Bill with all the Horror and Hatred of it that could be; that I vented my Thoughts of it in very good Company, where I found all of the same Mind, and that I was searching industriously a Week together for Arguments to support this Opinion; and, to that End, crowded into publick Assemblies to hear Disputes and Debates, in order to confirm my self and my Friends in the Resolutions I had taken: But instead of that, I heard something which staggered, though it has not determined me, for (let the World think what it pleases) I am resolved to follow Truth, and therefore am desirous to provoke Gentlemen who have taken Pains to study the Point thoroughly, to communicate their Thoughts to the Publick, before one short Afternoon's Debate shall drive us into Resolutions which we may have Reason to repent of hereafter.

The main Purport of the Lords Bill now appears to be this: The King has declared his Willingness to set Bounds to the Prerogative in the Case of creating Peers, whether by Patent or Writ, which it is allowed by all Lawyers he now has without Limitation. The Question is, Whether (all Circumstances considered) this will be a mending of our Constitution, or a Mischief to it? And, by the way, 'tis the greatest Wonder that in all the great Exigencies of his Majesty's Predecessors, no Counsellors were ever found so wicked as to advise the putting this Part of the Prerogative in Practice, till toward the latter End of the late Reign; but having been done then, and an Example being now set that such a thing can be done with Impunity of the Author, it seems to some Persons absolutely necessary to prevent a further Progress of this Mischief; and the Circumstance of a King concurring and desiring it, will be rare to be found hereafter.

B

As

As to the Numbers designed by this Bill, I shall not enter into any Disquisition of their Proportions; the printed Lists in every Body's Hands shew how the Peers were encreased in the several late Reigns, and how many Families became then extinct. I will not enter the Argument, whether the present Augmentation of nine for *North Britain*, and the Power of encreasing six in *South Britain*, be too much or too little; but 'tis in my Opinion an apparent Advantage, that Bounds will by this Bill be set to their Number, and that hereafter no Number can be created at a Night's Warning, to make a Majority of Votes in Parliament. In Opposition to those who affirm it to be a very great bettering of our Constitution, (and without it be so, I think no Alterations ought to be made in it) all the Objections which have been put in Balance with this Opinion, and started in Conferences at private Meetings, and in publick Coffee-houses, deserve to be well considered: For it is to be observed, that our Coffee-houses assume a Right of canvassing and determining our most weighty Points in Divinity, Politicks or Trade, previous and in a great Measure preparatory to the Debates in Parliament. And the great Coffee-houses have one or more Men of Authority who frequent each of them, who hold the Chair in Disputes; and these fix the Value of Opinions just as the Stock-jobbers do that of Stock in Exchange-Alley; to the Force of those Gentlemen's Reason and Eloquence all the other inferiour Auditors submit with great Alacrity.

I will (as far the narrow Compass of a Letter will admit) faithfully set down the Substance of all the Objections to this Bill that I have yet met with, urged by the most avowedly able Men among us, together with such short Answers as I have heard, or am able

to make to them in my own Thoughts, assuring you, Sir, that these Objections and their Answers, were, as near as I can remember, framed in the same Manner as I here represent them.

Obj. The Crown will lose, and the Lords will by this Bill gain a greater Power, consequently the Commons will have less in Proportion.

Ans. Wherein? Not by having their Numbers diminished; for if the Computations be true, that within these 115 Years about three Families of Lords have been extinguished in two Years at a Medium; then the Crown, notwithstanding this Bill, will still have left in it a Power of creating as many new Peers as ever it put in Execution in any Reign, especially if we add the further Power of creating others in the Room of those who are now Peers by Writ, as soon as their Fathers drop off. And the Crown will by this Regulation be only debarred from that mischievous Power of creating a Number at a time to serve a bad Turn.

So that I can see no Increase of Power by this Bill given to the Peers, unless it be the present Increase of their Number, which some say is a Diminution of the Power of their whole Body; and no Man can deny that the Crown has not by its Prerogative a Power to encrease that Number at present without Limitation.

If indeed the Estates of the several Peers were augmented, or their present Estates thereby fixed to their Honours (as in former Ages,) then there would be a Foundation laid for an Increase of Power; but this
having

having been left at large by Henry VII. is not by this Bill attempted to be restored.

Obj. The Lords will every Year gain upon the Commons; they will influence their Elections; they will merit great Pensions from the Court, and at last assume to themselves a Share in giving Money, and raising Taxes on the Commons; they will pay none themselves; they will extend their Judicature to the utter Extinction of the People's Liberties: In short, they will become an Aristocracy, and the Commons will in time wear the Badges again.

Ans. Pray hold a little and take Breath; these are very frightful things indeed, but is not all this *gratis dictum*? Is this fair arguing? I wait to hear Proof of all you have said; first, let me know by what Means the Lords shall acquire this new Power which is thus dreaded? Secondly, How it will become their Interest (and consequently their Inclination) to exert it in this Manner, if they had it? I protest I cannot as yet see how this Bill enables them to do more in any of these Particulars than they do at present; and till I hear some reasonable Arguments why, and in what Manner these dreadful Consequences shall happen, give me leave to suspend my Judgment. I have promised to yield to the Force of Reason and Truth whenever it appears; till then it seems to me, that the present Liberty in the Crown of drawing all the richest Men at once to the House of Peers out of the House of Commons, is a fair Step towards making the remaining Commoners wear Badges.

Obj.

Obj. The King's Prerogative will be lessen'd thereby ; and the Lords will in Time grow an Over-Match for the King and Commons.

Ans. I should hardly have expected such an Assertion from your Mouth, or to find you a Pleader for this Part of the Prerogative ; especially since it has lately been exercised so ill. But can there be any real Grounds of Fear, that this Bill should make the Lords an Over-Match for King and Commons joined ? Are not vast Estates, by Trade and Money, now raised every Day by Commoners, above what most Lords have ? Can you think Power better lodged in the Hands of a single Person, than divided among many ; supposing (tho' not at all granting) that the Lords had thereby an Accession of Power ? I remember you once to have been of another Mind.

Obj. Consider the Case of *Denmark*, where the Tyranny of the Lords was the Occasion of the Loss of their Liberties.

Ans. In that Instance, the King and Commons joined against the Lords ; and notwithstanding the *Danish* Lords real Power, and their long Prescription to it, (which is none of our present Case) soon got the better of the Lords : So that this Argument rather makes against you.

Obj. The Crown will not have it sufficiently in its Power to reward Merit in the Commons.

Ans. More than enough : And whoever will take the Pains to make the Computation, will be convinced of it.

C

If

(13)
If the King fills up all the Vacancies which will probably happen in his Reign, it will be found that he will create more New Peers in Proportion than any of his Predecessors did. But indeed he will not be able to make them all at a Time, and to serve a Turn; and this is the apparent Good of the Bill.

Obj. But does not this break the Articles of the Union, which are declared to be unalterable?

Ans. It seems to me a Solocism in Government, to say, that any Law is unalterable by the same Power that made it. There is a necessary and natural Right in all Communities to change, disanul, make, and repeal all Laws; which Right is indeed unalterable, otherwise it would be an unavoidable Consequence, that such an unalterable Government could not long subsist. Upon different Emergencies, different, and sometimes, directly opposite Resolutions must be taken; and our own Government has been altered every Age almost.

Obj. What do you say to the Scotch Peerage? Is not this Bill the highest Injustice attempted to that numerous Body in Scotland, who sent up these 16, and elected them for their Representatives?

Ans. I will not content my self with answering what a Noble Peer did to this Objection, tho' I think it has a great deal of Weight; but I will say, that if this seeming Piece of Injustice, hath for it Considerations absolutely necessary to the Good of the Community, and even to the Subsisting of the House of Peers (as very wise Men will assure you it has) then the Case of Injustice should not out-balance those Considerations. *Tacitus* says, *Habet aliquid ex iniquo*

omne

omne magnum Exemplum quod (contra singulos) Utilitate publica rependitur. And whoever stretches the Case of private Justice too strictly in Politicks, will soon occasion the overturning of that Government he is obliged to support.

But what will you say, if this be only a notional, and not a real Wrong to them? If those Noble Persons (who ought to know better than you and I) will assure us, that this Attempt, as it is model'd, is not a defeating of Justice, but a turning it into a better Channel? So that in reality, it will be a Benefit to those Families in Time, which seem now to have the Exclusion.

For it is not any of the Articles of the Union which have put the *Scottish* Peers into the ill Circumstances they now lie under, but it is a Determination of the House of Lords in the Case of the Duke of *Brandon*; from the Hardships of which the present Bill will, in a great measure, relieve them.

'Tis true indeed, whether out of Perverseness, or being affrighted at the Novelty of the Thing, or Disaffection to the Government, (which is but too notorious in the *North Part of Britain*) it will be difficult, if not impossible, ever to obtain a general Consent. So it was in the Case of the Union, so it is in the Case of the Representatives of the Commons, and so it will be to the World's End, in every Community, except in a *Polish* Diet, where the only Remedy is *Sabring* down the Non-Compliers; but where there are Representatives, with full Power, which bind the Consent of their Principals or Constituents, the Imputation of this Sort of Injustice carries little Weight with it.

And I cannot see the least Reason, to doubt of that Power of Representatives (which is originally given them without

out Limitations.) How often have the Representatives of the Commons of *England* restrained the Power and Number, and determined the Qualifications of their Electors, even for future Parliaments? How many of them have they disqualified, decided the Rights of Boroughs different Ways, and even deprived some of them of any Right to send Members, during a whole Parliament? The several Acts relating to Elections of Members to sit in Parliament, will shew, that the Peers were not afraid of the Injustice of these Attempts, to mend the Constitution in the Commons, or that it should have any ill Effect upon *their* Body; rather the contrary; they gave their Concurrence to all the Bills of this Nature; and although they were sensible that the Riches of the Nation was at that Time principally lodged among the Commons, and that they were every Day growing greater, yet so far were they from taking any Alarm at these material Alterations of the Constitution, (for such certainly they were) or being afraid or jealous of putting into the Balance of Power an additional Weight on the Commons Side of the Scale, that they looked upon these Bills as a right Step taken towards the Amendment of the whole Constitution.

The elected Peers of *Scotland* are surely in the same State, and have equal Powers with the Representatives of the Commons; this is the least that can be allowed them now: If so, then their Suffrages can bind their Constituents most certainly. But this their present Condition is not agreeable to the Nature of a House of Peers, who ought all to be (and are by our Constitution) *Consiliarii nati*; and this is the Drift of this Bill, to set all in that House upon an equal Foot: Whereas it now looks like a Detachment of Elected Commoners, dropp'd by chance into a House of Hereditary Peers, where they make a sad irregular Figure. — But in Order to set the Mat-

ter

ter in Dispute in a more advantageous Light, I will suppose the Two following Speeches to be made by Two of the Second or Third Rate Speakers of the House of Commons, (for I am not able to attain to an Imitation of the First); The one Against, the other For the Bill. And if the last Speech be somewhat longer than the first, 'tis not through any Partiality, but the necessary Consequence of answering Objections, which takes up more Time and Words. I protest I have done my best on both Sides, and perhaps have omitted many Things very Material, which you may attribute to my Want of Leisure, or Want of Skill, if you please; but I beg of you not to do it to my Want of Sincerity: Such as they are, I here present them to you.

Mr. Sp——

I Have often stood up in this Place with very much Concern to speak to Points of great Importance, which have been debated here, but never with half so much as I do at this Time; the extraordinary Weight of this melancholy Occasion even presses me down. Our good old Constitution has been often struck at, and wounded; but now (*Mr. Sp——*) the Axe seems to be laid to the Root of the Tree; and should this Scheme, Project, or what shall I call it? receive the Approbation of this House, I think I may say, Adieu to the Liberties of *Britain* for ever.

The Regard and Veneration which is paid to the Fundamentals of our Government, is not so just upon the Score of being old, as of their having been tried so long, and found firm and solid: And shall this House have a Hand now in sapping its own Foundation,
D which

Which has lasted for so many Ages, against all the Attempts of Kings and evil Ministers? And this without our so much as pretending to lay new ones, with any Appearance of Solidity. This Bill, Mr. Sp—— is no less (in my Opinion) than an Attempt of this heinous Nature, and carries with it (even at first sight) to all honest Men, all the Horror that Blue-Coats and Badges, Poverty and Wooden Shoes, ought to inspire into People that have the least Knowledge of, or Value for Liberty.

Nay, not only our *Old* Foundations are endeavoured hereby to be abolished, but those *New* additional ones, so lately laid by the happy Union of the Two Kingdoms, are at once subverted, without regard to unalterable Laws, or common Justice.

The Wickedness, the Danger of such an Undertaking, is so great and visible, that I confess, I am amaz'd at the very Appearance of it, and will hope that it can never meet with Encouragement here, especially among those who have valued themselves upon Principles of Liberty, which will shew themselves now or never. And I cannot but flatter my self, that all Parties, under what Denomination soever, will join (tho' perhaps upon different Considerations) in one End; and that is, to reject this Bill with Scorn and Indignation, even now upon its first Reading.

The Mischiefs which necessarily will be the Consequences of it, are so many, that he must be a much better Orator than I pretend to be, who can tell properly at what End to begin to enumerate the Particulars. I am overwhelmed with the Number and Burthen of them, and I find my self in the Condition of those who gave occasion to the *Latin* Proverb, (pardon the Pedantry) *Cura leves loquuntur ingentes stupent*. Therefore I must only mention some of them, as they occur to my Memory at present, with-

without ranging them in that Order which might be thought necessary or proper.

First, There is an essential and inherent Prerogative of the Crown, I will not say extorted from it, but by the wild and sinister Views of subordinate Agents, the Crown is persuaded to part with it, at a Time when there is no apparent Necessity (upon the Account of the Common Good) for its so doing. I dare say his Majesty is informed, and thinks really he is parting with it for the Ease and Benefit of his Subjects; and therefore he does it. But I hope I shall be pardoned, when I own I am of a contrary Opinion. I think we are Guardians of the Prerogative, as well as of our own Liberties. Circumstances alter very much the Nature of Things; and altho' the Abuse of this Prerogative during the late Reign, had like to have proved of the utmost ill Consequence, that Consideration may indeed be a Motive for regulating and modifying it, but not for entirely abolishing it.

Princes and their Successors often repay the Injustice done to them, by taking away their Dues and Regalities (whether by Force, or Fraud) by another and a greater Piece of Injustice, whenever they find it in their Power; And who knows what the natural Vicissitude of human Affairs may produce?--- Wise Men will always carry this Consideration along with them; and think that as *Englishmen*, and as *Islanders*, we have not the greatest Reputation for Constancy in the World.

One of the Evils which this Scheme and the Bill is pretended to remedy, is, that of the vast Number of Peers which may otherwise be created; and yet here is a present Addition of no fewer than Fifteen new ones.

If

If the Number be a Grievance, why is there to be an Addition ? If it be no Grievance, to what End is the Limitation ? Surely the Gentlemen concerned for this Bill will be consistent with themselves, and not blow hot and cold with the same Breath ; let us no more hear any Persons exclaim at the creating Twelve Peers, who are for the Creation of these Fifteen.

I might here (without giving, I hope, any Cause of Distaste to the Gentlemen of *North-Britain* who hear me) urge the Disproportion that will be between that Part of the United Kingdom and this *Southern* Part of it, by the Number of *Scotch* Peers added by this Bill to those which sit at present, and whose Number was as nicely calculated at the Time of the Union in Proportion with those of *England*, as was possible. But what shall we say to the great and unaccountable Infraction of that Union projected by this Bill, and the horrid Injustice hereby done to all the remaining numerous Peers of *Scotland*, who have sent up these Sixteen Representatives ? Is there not Disaffection enough in that Part of the World already, but we must give a just Occasion for more ? Must not an Army be necessary to support such a flagrant Piece of Wrong ? Can we blame People, who will lose such an Essential Part of their Property, if they do not tamely acquiesce under it ? Can these Representatives give away for ever the Right of those who sent them, and of their Posterity ? That would be a strange Maxim to be upheld by a *British* Commoner ; and I hope never to see the Day, that it shall be establish'd by the Sanction of the Majority of this House.

I can

I can see no less than an Aristocracy is projected by this Bill, than which nothing can contribute more to the breaking of that Balance and *Equilibrium* which has sustain'd us for so many Ages, and against so many Assaults of Persons in Power. The Peers will not only acquire a Right by it to make greater Demands of the Crown, but will, in Probability, accomplish their Ends, when they do so; and at whose Expence I pray? Why, at ours, at long Run; at the *Commons*, who lose just so much as the Peers will every Way gain.

The Case of *Denmark*, in the Loss of its Liberties, has been urg'd without Doors, and is so very apposite to the present, that 'tis impossible for any Man not to quote it at this Time: *There* the Tyranny of the Lords pay'd the ready Way for universal Slavery; the Manner has been related at large, therefore I need not insist farther upon it.

Another great Inconvenience of this Bill is, that it shuts the Door upon Merit, at least, the Crown will have no immediate Power of rewarding it by Honours, whilst it is fresh and exemplary, but must wait for a Vacancy. Will so many Gentlemen of the House of Commons, who, thro' their Wealth, Parts, and Services, have such just Pretensions to Honour, be willing to part with them upon the deceitful Promises, given, perhaps, privately to many more than can possibly be perform'd with, that they shall be the Persons first provided for? I can never believe they will.

In short, that Part of the Constitution, which is fix'd and permanent, and has most Power lodg'd in it, will grow near to be independent, and, at least, engross all the Rewards of Merit; no body else will have any but themselves, no body else will, in Probability, be
E regarded;

regarded ; Places, Pensions, and every beneficial Thing else, will all bend that Way, and we shall be that Part of the Constitution that shall pay the great Reckoning at last, and it will be happy for us if we only do it with our Money.

When the Peers are set at too great a Distance from the Commons, it amounts to the same Thing, whether it be by placing them higher, or debasing us lower, or even leaving us in our present Station, which Station we shall never be able to keep long ; tho' the Ballance may waver a long Time, yet, at length, the heaviest Scale carries it infallibly.

Mr. S——,

I believe there is much more might be said upon this Occasion, and much better than I pretend to do it ; but I think I have said enough to convince the Majority of this House, that not the least Encouragement ought to be given to a Bill of this Nature, and I hope I have perswaded all the true Lovers of our Constitution what I am really perswaded of my self, which is, That this Bill ought, both for our Safeties and for our Honours, to be thrown out now, upon its first Reading ; and I give my Vote accordingly.

Upon which another Member is suppos'd to have stood up, and spoke as follows :

Mr. S——,

I am under no less a Concern than the Honourable Member who spoke last, but 'tis upon a quite different Account ; 'tis for the Success of this Bill, which I heartily wish ; and I cannot but hope and believe, that this House will see and make Use of the happy Occasion, now put into our Hands, (which, if 'tis let slip, we may never have again,) of establishing our
Constitu-

(19)
Constitution upon more solid Grounds than ever it has been since we were a Nation.

And altho' all Parties and Denominations among us, will feel the good Effects of it when 'tis passed into a Law; yet, I think I shall be able to make it out, that those, who have set up for Liberty upon the most disinterrested and truest Principles, will more especially find their Account in it; for if ever there was a more than ordinary good Bill, for Liberty, brought into this House, I will be bold to say, this is it.

I cannot pretend to equal that Honourable Gentleman in his Oratorical Declamatory Stile, but I will endeavour to follow him as close as my Memory will suffer me, and cull out his Arguments, separating them from the Emphasis and Ornaments he has cloathed them with, and to weigh them in as equal a Balance as I can; after which, I shall submit them to the Judgment of this House.

He is pleas'd to say, that 'tis dangerous sapping old Foundations, and I gladly agree with him in that Opinion. And he adds, That this Bill lays the Axe to the Root of the Tree, and entirely subverts them, without substituting new and solid ones in their stead. Here I shall take Leave to differ from him, and endeavour to shew, that this Bill is so far from subverting our Constitution, that it meliorates and strengthens the old Foundation, and adds Buttresses to it, which it now wants.

For I must take Leave to say, that Constitutions of Government stand in Need of Reparations, from Time to Time, (according to the different Exigencies and Circumstances of Affairs) as certainly as old Buildings do; and altho' no other concurrent Reasons should interfere, either of intestine Commotions, or external Wars,

Wars, yet Governments and Constitutions, thro' mere Age, the Obsolescence of some Laws, the Inconvenience of others, the Alterations of the Circumstances of our selves or our Neighbours, require mending as unavoidably (tho', perhaps, not so often) as our Houses would do. Bodies politick, as well as our natural Bodies, are liable to decay, and want daily Repairs; and I will venture to say, this is so substantial a Repair, as will, in Probability, require the Malice of many Ages to destroy or wear out.

The Wisdom of Legislators is shewn in the good Manner of doing this, (without demolishing what is still necessary to be kept up) by distinguishing the Parts that are unsound, and placing firm ones in their Room. Herein consists Prudence; and to retain an Opinion, or adhere to a Custom, merely because 'tis old, to venerate an ancient Piece of Building, because it yet stands, tho' we see it is just a nodding, will be own'd to be an egregious Piece of Folly.

But in the present Case, we have already felt the great Inconveniencies of the Want of such a Bill. A Ruin was tumbling upon our Heads, and if we escap'd being crush'd to Pieces by it, 'twas thro' the immediate and miraculous Intervention of Providence; so that it cannot be justly said we are unnecessarily sap-ping old Foundations, when we are trying to mend what we found, by sad Experience, was failing under us, and in the Compass of a few Years will infallibly do so, unless we remedy it at this only Time wherein we are likely to have the Opportunity.

That which has dazled the Eyes of a great many honest Gentlemen, who, on a sudden, have pass'd their Censure upon this Bill, that which has surpriz'd and perplex'd them, is the Strangeness and Novelty
of

of the Undertaking: To dare to be wise, and to go out of the common Path in venturing to be so, is what disturbs them; but no extraordinary good Thing, either for this Country or any other, was ever effected without it. 'Tis a most rare Thing to find a King willing to part with a Branch of his Prerogative. But shall not such an Occasion be snatch'd at when offer'd? And by all the different Parties among us, tho' perhaps for different Reasons?

The Honourable Gentleman is pleas'd to say, he knows not at which End to begin to find Fault with this Bill; and indeed it is very difficult to do so, when a Thing is essentially good. I desire that the Scheme, now laid before us by the Lords, may be thoroughly canvass'd, Piece by Piece. I am confident, the more it is consider'd, the more it will reconcile its self to the Understanding and Notions of all Gentlemen who wish well to their Country. All Commoners were startled at it at first: I cannot blame them for being so; 'tis what usually accompanies all new and great Attempts; but I am convinc'd I address my self to reasonable Men, who will deliberately weigh every Proposal before they reject or accept it, and not think they are oblig'd by the former sudden Sallies of their Passions to quit or avoid Truth and Reason, when once it appears plainly in its own Light. 'Tis the Quality of a truly great Soul to own a Mistake: None but narrow Spirits think they are bound to continue to support an Opinion true or false, because they have once unwarily espous'd it.

The Honourable Member says, we are Guardians of the Prerogative, it being Part of our Constitution. We are so. But 'tis the Abuse of this Part of the Prerogative we are about redressing; 'till very lately,

it was never so much as imagin'd, that a Number of Peers could be created at once to do a Jobb; 'till an Inconvenience be found out, a Remedy cannot be apply'd; but now, that this Mischief has shewn its self openly and barefac'd, and even to threatning the Subversion of our whole Constitution, sure we ought to shut the Door upon it for ever.

Can it be doubted that a great many of our late Kings would not have attempted to put an utter End to the present Constitution of our Government, had they once dream'd of such a dreadful Expedient as this Piece of Prerogative? Have either the Lords or Commons at any Time shewn the least Apprehension of such an Exercise or horrid Abuse of it? I dare say, no Body will aver this. A Remedy had been sought for long ago, if they had. We should have had this Article inserted in the Front of our *Petitions of Right*: And now that the Mischief is found, that we have felt it severely, (so severely, that it has been made a principal Article of Impeachment by this very House against the only Person who can have been thought ever to have been the Author of this Advice) shall we not accept of a Redress which is freely offer'd us by the Sovereign? Surely we shall not shew ourselves like froward Children, refuse a Thing (which at another Time we would purchase at the Expence of Millions) meerly because 'tis offer'd us, and stand in our own Light, for Fear of bettering *one Part* of our Constitution, which indeed influences the *whole*.

For whatever amends one Part of our Constitution, does Good to the whole; and if it appears that this sets the House of Peers in a better Condition, as to the Freedom of Debates and giving their Votes, and
this,

this, without doing the least Damage to the other Part of the Constitution, (as I hope will be plainly made out) does Good to the whole. Have not the Lords concurred with us in several Bills, to mend our own Elections? With what Success, I will not say; but they shew'd no Aversion or Fear of these Attempts, when they thought the publick Good was concern'd in it. There is a great deal of Difference between the Subversion and the Alteration of political Constitutions; 'tis like putting in a sound Beam in a Building, in Place of a rotten one, which would soon let the whole House fall upon ones Head. The Lords did not call those several material Alterations we made in our Constitution, a Subversion of it. This is the true and genuine Effect of this Bill, in my humble Opinion: The Commons will be the better for it as well as the Lords, in preventing the 16 *Scotch* Peers from having an entire Dependence on the Court; the Crown will be the better for it, in having the Pretence of exercising an exorbitant and dangerous Power (under the specious Name of a Prerogative) taken from it; and the Peers will be consequently the better for it, too much, say some, but they must prove this before I believe it.

The Gentleman has enforc'd his Argument by a Hint of the Danger there may be of this Power's being resum'd in succeeding Reigns, and the Resentment which may be then shewn at its being accepted in this. But I am of Opinion, that whoever shall be convinc'd of the just Grounds upon which this is done at present, and the evil Consequences which (now they are known) would undoubtedly follow, should the Hands of our succeeding Monarchs be untied again, after such a Struggle as this, will easily conclude, that

that it is a moral Impossibility, that ever a Parliament should agree to set Matters at large again; this, say some, is the Danger; this, say I, is the Advantage of it.

The Hony-Moon of Government is indeed a most suspicious Time, 'tis confess'd; but this Instance of letting loose the Prerogative, is of such a Consequence, as will tie up the Excesses of Flattery and Obsequiousness even in that sweet and complying Season: No, Sir, the Advantage will then shew it self to be much greater than it now does, and can never be parted with, but with the Lives and Liberties of the whole Community. *Si propius stes, te capiet magis*, the more 'tis look'd into narrowly, the more it will be valu'd; and 'twill be the general Interest so much to preserve this Law inviolably, (at least for many Ages) that I cannot have the least Fear of an Attempt to be made upon it.

But he farther asks the Question, Why then is there a present Increase of the Number of Peers projected in this Bill, whereas the Over-Greatness of their Number is one of the Grievances complain'd of?

In Answer to this, I must tell him, That in order to procure this great and good Regulation, it was absolutely necessary to consent to the present Increase.

The King (who is willing to tie up his own and all his Successors Hands in future Ages) might now, if he were pleas'd to make Use of his unbounded Prerogative, make Peers not only by Dozens, but by Hundreds. This dismal Secret is now found out: His Majesty knows it, and the Mischiefs that may follow upon it; and at his taking a final Leave of this Power, is desirous the Crown should be left at Liberty, only as far as to be able to reward the Merits of half a Dozen

Dozen in *England*; not at one Time neither, but at his Leisure, without the Prospect of carrying a Point in Parliament, or of any Thing else, but to reward Merit. And would it be reasonable to dispute now a very few with a King who is giving up *all the rest* for ever? I do not believe that Gentleman himself will say so.

And as to the Addition of the North *British* Peers, (of 9) I will ingeniously confess, that as many Things were allow'd in the former Ages of the World, by Reason of the Hardness of Peoples Hearts, for those noble North *Britains* insist upon it, (with Arguments, which, tho' perhaps they might have been answer'd, could not have been withstood) that several of the noblest and best Families in *Scotland* were absolutely necessary to be brought into this Scheme, in Order to the Conservation of the Publick Peace; and, I hope, the Disproportion, which seems to be between this additional Number and the Peers of South *Britain*, will entirely disappear, when it is consider'd, that by making the 25 Hereditary, instead of the 16 Elective, there will be, in all Probability, as few Attending *Scotch* Peers in Parliament, as there is now, when all the Minorities, the Superannuated, the Infirm, the Incapacities, and other Circumstances attending them, are consider'd.

But, above all, 'tis rationally to be supposed, that in Process of Time these 25 will melt into the Mass or Lump of the whole Peerage of *Britain*, without Distinction of Countries and Interests, any more than a Northern *English* Lord is now of a different Interest from a Southern one; and, besides, they will be of different Opinions, and give different Votes, according to their Convictions or Inclinations, without being

esteem'd a dead Weight, elected by and subservient to the Pleasure of the Prince, as I doubt they too justly have hitherto been observ'd to be.

But, says the Gentleman, the indelible and indefeasible Articles of the Union are violated by this Bill, and thereby a horrid Piece of Injustice done to the numerous Peerage of *Scotland*, and their Posterity, to their general and dangerous Discontent; and this done after they had trusted the present Sixteen with the Care of their Properties and Honours.

As to the first, I do believe that Gentleman himself will acknowledge (I am sure his good Sense and Understanding of Government convinces him, if he pleases to own it) that there can be no such Thing in Nature as an unalterable Frame of Government, unalterable by the same Power which at first constituted it; 'tis a perfect Solecism; and those who built upon it as a Security, which no future Parliament could, upon any Emergency, ever change or abolish, built upon a sandy Foundation. I speak not of those Things which are expressly, and by Name, mention'd in the Articles of Union, as Things not to be alter'd; but this, I say, no *humana* Constitution can be of such a sempiternal Duration, but according to the Circumstances of Times and urgent Occasions, may and must be subject to the Alterations of the Legislature: And ours has undergone many very material ones, otherwise it would have been impossible we should have lasted to this Day.

And then as to the Injustice, their Representatives have unanimously assured us, This Bill is so far from doing them Wrong, that upon a due Consideration of their present Condition, it puts Justice into its right Course, and will be a great Advantage to them even

at

at present, and a much greater to their Posterity, I refer my self to the Gentlemen of *North Britain* to explain this Matter more at large, and to set it in its true Light; which may have the same Effect, which, I hear, the like Explanation had in another House, and there destroy'd the like Objection, which was as strenuously made as 'tis now here. I have no Notion of adding to the general Discontent which is now in *North Britain*, but I have one of gaining many potent Families to the true Interest of their King and Country. We are but too well appriz'd of the present Inclinations of most of those who now are the Objects of Gentlemens *Compassion*; I had rather they should still continue to be so, than of *our Fear*; and I think 'tis a Complement to them to say no more of them.

The Case of *Denmark*, in the Account of the Manner of their losing their Liberties, has been quoted both within Doors and without upon this Occasion: I have the worthy Member in my Eye, who is the reputed Author of that Narration, and I hope he will endeavour to explain that Matter; but for fear he should not, I will say something of it, and acquaint the House with my Thoughts, which I have collected from the whole Account; for 'tis a Piece of Injustice to take Fragments of Sentences in Books, and frame an Argument out of them, without taking Notice of the whole Contexture; I have the Book in my Hand, and Gentlemen may contradict me if I mistake, I hope the Author himself will.

The Constitution of *Denmark* had continued upon the old *Gothick* Bottom till the very Time of the Loss of its Liberties; upon the same old Constitution which we and all the Kingdoms and States of *Europe* were founded from Time immemorial. Most of the
other

other Countries had quite lost it, (being degenerated into absolute Monarchies) and therewith lost all their Liberties: *We* had not indeed lost it quite, but thro' we retain'd our Liberties, (more by Chance than Fore-cast, as he insinuates in his Preface) we had chang'd it so often and so far, as that it became unlike what it was in its Original, and so it continues to this Day.

The *Gothick* Institution, both here and every where else, was purely Military, their Kings were elective, and were their Generals in Time of War, and their Judges in Time of Peace; they depos'd or chang'd them often upon Misbehaviour; *Cesar* in his *Commentaries*, *Tacitus*, *Joannes Nauclerus*, and all other Writers, Ancient and Modern, give us this Account of them. Their Nobility were such as were next to the King in Power, Riches, and Reputation; their *Duces*, their *Marchiones*, *Comites*, *Vice-Comites*, and *Barones*, are succeeded indeed by Persons of like Titles, but not of the same Power or Office; the first were their principal Leaders under the King their General; the second were the Keepers and Guardians of their Borders and Marches; the third were Governors of their Counties and Provinces, and had their Deputies in their Absence, (or when their Business was too great for single Men) which now are our Sheriffs; the *Liberi Barones* were such as had free Land and Revenues to such a Value, as entitled them to be the others Peers; these were originally the Masters of the Property of the greatest Part of the Lands, and distributed small Proportions to the Freeholders under them, upon certain military Tenures, as they themselves did (upon the like) hold under the King; and therefore were oblig'd to serve him in his Wars. The Account
of

of *Denmark* tells you, That *ancient Riches was the only Title to Nobility under the Gothick Constitution*; none took their Patents nor Titles of Honour from the King. Should a poor Man, in Process of Time, acquire a Nobleman's Estate, to such or such a Value, he had a Right to be called, and sit in Parliament, tho' the King should never send for him, (I speak now of *England*.) And because afterwards the Kings began to summon them by Writ, when there was Occasion, (and might sometimes omit sending for such as he did not like) they asserted their Rights to such a Writ, which then began to be thought necessary. Much like this continued the State of *Denmark* till so lately as the Book tells you. But this is widely different from our Case: Those that are against any Alterations in our Constitution, may plainly see how much and how often we have alter'd it, and how necessary it was to do so. Now in *Denmark* the Lords (pray observe they had no Titles, but went by their Family-Names, *Otto Craeg, Schiel, Gersdorf, &c.*) being Proprietors of all the Lands, had likewise originally the Power of giving of Money and laying of Taxes; no Burgher or Commoner being permitted to purchase, or to be the Owner of Land, let him grow never so Rich; and this Power, after the Calamities of a long and expensive War, they exerted with so great Severity and Tyranny, that it occasion'd what follow'd. Money was absolutely necessary to pay off the Army, and they would give none of it in Proportion to their Wealth, but laid it upon the poor Burghers, Peasants, and Priests. He farther tells us, That by the *Gothick Constitution*, Taxes were a very uncommon Thing, nay, almost an unknown one, no Money being raised but as a Free-Gift towards a Royal Daughter's Portion, or upon very extraordinary

Exigencies; Customs upon Merchandize being an absolute Novelty till these latter Ages, (I am sure the Traders will like this Part of the old Constitution); the Kings lived upon the Revenues of their own Estates, and were esteemed as the best and richest Gentlemen of their Country; in Times of War they led their Armies and Fleets, and in Times of Peace they sat in their Courts of Justice themselves, with their Peers and Assistants about them; and in their Progresses often did it in the Fields, under some spreading Tree, as the Historians of those Ages assure us, as may be seen in the Life of *Charlemayn* and other Kings of the *Franks*, who upheld the *Gothick* Constitution in its Perfection, and thereby restored and settled the Liberties of *Europe*, now in a Manner extinct.

The Difference then between the *Danish* House of Lords and ours being so very wide, I cannot see how any just Parallel can be made between them, so as to bring them in as an Example, any farther, than that the Exercise of a tyrannical Power, whether in a King, in Nobles, or any other Branch of the Constitution, is pernicious to the whole! Our Peers claim no Right in giving Money and laying Taxes; nay, 'tis we who tax them, and as long as we do so, I cannot fear an over-grown Power in them; and I hope we shall stop all Tendencies that Way, which I cannot see that this Bill gives them. Our Commons (as now constituted) have the great Property of the Nation among them, such is the vast Encrease of Riches by Trade and Commerce, they are indeed the lower Nobility; *La haute & la petite Noblesse*, as they were call'd in *France*; and tho' they are become two different Estates at present, were at first one and the same, and sat in the same House, and voted along with the best. The Commons

mons with us were originally much upon the Foot with those of *Denmark*; the Burghers were to be chosen out of the *Commorantes* in the Boroughs, the Citizens of the Cities, and (by the Knights being distinguish'd in the Writ, to be *Milities Gladii cincti*) we may judge the others (who did not serve the Commonwealth by any Military Tenure) were allowed to wear none: Their Property consisted only in their Gains by Trade and Manufactures, tho' Trade was a meer Novice in the Western Parts of the World at that Time, which now is the Foundation of our Wealth and Welfare. Now our House of Commons is quite another Thing.

I have been forc'd to dilate upon this the more, to convince Gentlemen how much we have alter'd, and, I hope, mended our Constitution from Time to Time; that an Attempt of like Nature may not prove a Bugbear and an Argument against doing so at present.

And I cannot but observe, that the Stress of the present Argument is laid upon three Suppositions: First, That the Lords would acquire a great Addition of Power by this Bill; secondly, that it will be for their Interest to exert such a Power; thirdly, that the King and Commons united together, will be too weak to resist such a Power, not one of which is, or, I believe, can be prov'd. And in the Case of *Denmark*, where we see the Lords had really lodg'd in them, by the Constitution, much greater Powers than is pretended by the Enemies of this Bill, yet, by the uniting of the King, and Commons, (such poor ones as they were) and the Clergy, the Lords were destroy'd, and drew the whole Constitution along with them; the Lords lost all, and the Commons continued Slaves as they were, tho' they chang'd their Masters, with Disadvantage;

advantage; for they experimented, that a single Tyrant's Finger was heavier than the Lords Loins. This shews, that exorbitant Power, (tho' it may be legal) wherever 'tis lodg'd, is dangerous and destructive to Liberty; but this shews withal, that it is more dangerous (because scarce recoverable) when lodg'd in one Hand, than when divided among many. *Aristocracy's* are bad Things, but whether they are worse than *Democracy's*, remains a Question with me: I know both have been got rid of; (I have liv'd to hear the House of Commons call'd Tyrants) but such a Prerogative as the Crown now has, and which it parts with by this Bill, (now that 'tis seen and felt, which it happen'd not to be in former Ages) is of greater Danger to Liberty, than any Thing that has yet been mention'd in this House, and a Monarchical Tyranny is seldom shook of.

As to what the Honourable Gentleman says in Relation to the shutting the Door upon Merit by this Bill, which will hinder the King from promoting rich or deserving Commoners upon Occasion, I dare venture the Success of it upon this, that it will be found true to a Demonstration, (when it comes to be computed) that the Crown will have ample and sufficient Power still left in its Hands, to answer fully the Demands of extraordinary Merit; and besides, it is not to be suppos'd that there will not always be kept one or two Vacancies, purely for that Purpose. I thought, indeed, that his Fears would rather have lain the other Way, *viz.* That by the removing of so many rich and powerful Members out of this House into the House of Peers, they would make, in Time, that House too powerful; for many Commoners have Boroughs under their Influence, which, when they carry away with them in-

to the Interest of the Peerage, will certainly strengthen it ; so that I thought the Danger lay rather, least the House of Peers should have too many Commoners call'd to it ; tho' I know a certain late Pamphlet assures us, that the more in Number the Peers are, the less powerful they will be ; other People assert the quite contrary ; 'tis difficult to know which Opinion to fence against.

As to what is insinuated, that the Peers will by this Bill, if it passes, acquire a Right to make greater Demands of the Crown, which, at long Run, will be at the Expence of the Commons, I protest I cannot see from whence this Right arises, when noble and rich Families are brought in, in the Room of such poor ones as would certainly be influenc'd by Pensions. Not to stand in Need of a Bribe, is one of the greatest Securities that can be taken of Men in Place and Power ; such are least liable to Temptation I am sure.

The Honourable Member insinuates, as if by this Bill the Peers would become a fix'd and permanent Body, if not almost independent. Pray, how can this be ? Are not the present Peers of *England* an establish'd, fix'd, independent Body, as much now as they will be after this Bill is pass'd ? And wou'd it not be preposterous, that the Peers of the Northern Part of the same Kingdom should not be in the like Condition with those of the Southern ?

I wish Gentlemen would explain what they mean by a fix'd independent Body, or a Power's being vested irrevocably in the very same Persons. Must the Lords never die ? Must not Vacancies be fill'd up by new Persons at the Pleasure of the Crown ? Will not as many Peers be created as there is now ? I aver it, more will, in all Probability ; for whereas now, upon the Extinction of a noble Family, the Crown is not im-

I
mediately

mediately or extraordinarily solicited to regrant the Title, after this Bill is pass'd, it will be scarce possible for the Crown to delay filling a Vacancy for six Months; and the Solicitations of Commoners for Commoners, will, in all Probability, have greater Weight than that of Lords for Commoners.

As to their Lordship's Judicature, I heartily wish it regulated as much as any Man in *England*; but I do not see how this Bill does extend it; the present Lords and their Successors have and will have it, and the future-made Lords by this Bill will likewise have it: Is it a Grievance, that the Number of these Judges is limited to 235? One would think these were enough in all Conscience, either in Cases of Property or Impeachments; for every one of the Peers now have a Right to judge, the Crown cannot name a Committee out of them: Would they have it remain in the Crown's Power to make new ones upon Occasion? I say, that for one good Occasion 'tis likely there will be twenty bad ones; it is easy after this to determine on which Side of this Question Publick Liberty is most concern'd.

Mr. S——,

If I have omitted to take Notice of any of the Arguments which the Honourable Member has made Use of against the Bill, I humbly beg I may have another Opportunity to repair the Errors of my want of Memory. The Subject is, indeed, as he says, a very important one, and I have been forc'd to take up a great deal of your Time in following him, and in endeavouring to dispel those dismal black Clouds where-with he has overshadow'd it, according to my poor Abilities, and to the best both of my Conscience and Under-

Understanding. I wish I may have satisfy'd many Gentlemen that hear me; which I would never have taken upon me to do, if I had not first satisfy'd myself, and been thoroughly convinc'd that this Bill, which I have been all along pleading for, is right for Britain, for every Part of the Constitution, jointly and separately; is a Thing as much to be desired as it was unexpected, for the future Good and Happiness of us all; and therefore I hope Gentlemen will take Time to consider it thoroughly, not questioning but many will change the present ill Thoughts they may have entertain'd of it, when it comes to be taken to Pieces in a Committee. I do not think the Gentleman was in earnest, when he mov'd to have it thrown out at the first Reading, and therefore I humbly move that it may have a second.

P O S T S C R I P T.

SINCE the writing of what is above, the Author has seen two Papers against the Bill, one call'd the *Plebeian*, Number I. another, (and much the better) *The Thoughts of a Member of the Lower House*; which came to Hand too late to be taken Notice of in this Pamphlet, tho' most of the Arguments have been some Way or other consider'd already in it. However, because the *Plebeian* seems either not to have well understood the Nature and Excellency of the *Lacedemonian* Constitution, or to have put a false Gloss on what his two great Authors, *Emmius* and *Craggs*, have furnish'd him with, the better to answer his Purpose, (for which Reason also he has fraudulently, if not
igno-

ignorantly translated this Piece^v of *Latin*, *Ut Plebem demulseret as alienum universum delevit.*) He may, perhaps, have an Answer soon to his Number I. under the Title of the *Patrician*; (wherein the Weakness and Inconsistence of some of his Arguments may be exposed.) 'Tis to be hoped (tho' 'tis much doubted) that his Number II. may prove better, otherwise it will pass unregarded.

I take his copying *demulseret* for *demulceret*, to be only an Error of the Press.

F I N I S.



